

APR 14 2008



PTO/SB/21 (02-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/696,487
Filing Date	October 29, 2003
First Named Inventor	Buchholz et al.
Art Unit	1642
Examiner Name	Ungar, S. N.
Attorney Docket Number	21460

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
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<input type="checkbox"/> Affidavits/declaration(s)
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<input type="checkbox"/> Information Disclosure Statement
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|--|---|

Remarks

-Communication; with Exhibit A

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gene J. Yao
Signature	
Date	04/11/2008

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Gene J. Yao		
Signature		Date	04/11/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Confirmation: 7548

Inventor(s): Buchholz et al.

Group: 1642

Serial No. 10/696,487, filed October 29, 2003
(Ref. No. 21460)

Examiner: Ungar, Susan, N.

For: **METHODS FOR DIAGNOSIS AND THERAPY OF PANCREATIC CANCER
AND COMPOSITION USEFUL THEREIN**

COMMUNICATION

Nutley, New Jersey 07110
April 11, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With reference to the February 4, 2008 Notice of Allowability wherein the Examiner noted that a Certified Copy of the priority document had not been received as of January 17, 2008, applicants submit the present Communication to clarify for the record that applicants are entitled to the claimed October 31, 2002 priority date because:

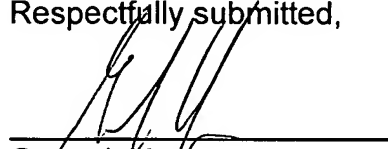
- (A) applicants timely claimed, by way of an Application Data Sheet filed on October 29, 2003, the priority benefit of European Application No. 02024539.5, filed on October 31, 2002; and

- (B) applicants timely filed on January 28, 2008, with a Certificate of Mailing, a Certified Copy of the aforementioned priority document as acknowledged by the Return Postcard, a copy of which is attached as Exhibit A (this submission therefore was timely filed prior to the grant of a patent on the application).

In view of the above, applicants have fulfilled the requirements of 37 CFR § 1.55 for making and perfecting a claim for priority. As such, applicants' priority claim is proper and perfected and applicants are entitled to the October 31, 2002 priority date.

Applicants further would like to submit for the record that a Certified Copy of the priority document had previously been filed in the Office on November 8, 2004; however, the Examiner had claimed that a Certified Copy of a different application was actually in the file. While applicants maintain that the correct Certified Copy was filed, this is rendered moot by the fact that the correct Certified Copy was timely re-filed, as noted above, on January 28, 2008.

Respectfully submitted,



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361773



EXHIBIT A

Date Mailed:

January 28, 2008

Ser. No.

10/096,487

Filed:

10/29/03

Patent No. _____

Issued _____

Inventor(s)

MALTE TSUCHHOLZ

Title

METHODS FOR DIAGNOSIS AND THERAPY ...

- ☐ Assignment
- ☐ Change of Correspondence Address
- ☐ Fee Address Indication Form
- ☐ Issue Fee
- ☒ Priority Document
- ☐ Other: _____

EP 02024539.5

Ref. No.

21460 US

6JY/KS

